IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1033 OF 2006

1.Smt.Radhabai w/o.Tukaram Shingade
and others. ...Appellants.

vs.

Shri.Krishna Maruti Kokate. ...Respondent.

Mr.Dilip Bodke, for Appellants.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

Heard the learned Counsel appearing for appellants. The first submission made is that the sale deed executed in favour of the plaintiff is invalid because of the provisions of Section 43 of the Bombay tenancy and Agricultural Lands

Act,1947. But the findings recorded by the Trial Court that the appellants have failed to prove that the land was purchased by the vendor of the plaintiff as tenant under the provisions of Tenancy Act. It is an admitted position that the appellants did not file any document to show that the land was purchased by the vendor of the plaintiff as tenant under the provisions of the Tenancy Act. The next submission was that the original of the sale deed on the basis of which the declaration of title was sought was not produced. But the Appeal Court has observed that the xerox copy of the certified copy of the registered sale deed was produced and the certified copy of the Index II register of the Registrar was also produced. The certified copy of the Index II register of the Registrar is enough to prove the document of sale deed. The last submission was that the transferor was the guardian of the minors and in view of Section 8 of the Hindu Minority and Guardianship Act the

sale deed is invalid. Admittedly, two defendants were minor at the time of instituting the suit, but after having attained the majority the minors have not instituted any suit for setting aside the decree. No substantial question of law arises. Appeal is disposed of.

(D.K.DESHMUKH, J.)
